

that governs search and seizure procedure. The changes have been approved by the Supreme Court, and pursuant to the Rules Enabling Act the amendments take effect on December 1, 2016, absent Congressional action. Despite the seriousness of the changes, Congress has not spoken on the subject. It should. Making changes like this simply by administrative fiat is not good enough. So, today, Senator PAUL and I introduce this bill.

The administrative changes will provide a magistrate judge with the authority to issue a warrant for remote electronic searches of devices located anywhere in the world when law enforcement does not know the location of the device. While it may be appropriate to address the issue of allowing a remote electronic search for a device at an unknown location, Congress needs to consider what protections must be in place to protect Americans' digital security and privacy. This is a new and uncertain area of law, so there needs to be full and careful debate.

The second part of the change to Rule 41 gives a magistrate judge the authority to issue a single warrant that would authorize the search of a large number—potentially thousands or millions—of devices that can cover any number of searches in any jurisdiction. These changes would dramatically expand the government's hacking and surveillance authority. The American public should understand that these changes will not just affect criminals: computer security experts and civil liberties advocates say the amendments would also dramatically expand the government's ability to hack the electronic devices of law-abiding Americans if their devices were affected by a computer attack.

Finally, these changes to Rule 41 would also give some types of electronic searches different, weaker notification requirements than physical searches. This raises the possibility of the FBI hacking into a person's computer after they are the victim of a cyber attack and not telling them about it until afterward, if at all. Under this new rule, they are only required to make "reasonable efforts" to notify people that their computers were searched. You can see how that might be problematic. It could lead to circumstances in which law-abiding Americans are not told that the government has secretly hacked into their computer.

These changes are a major policy shift that will impact Americans' digital security, the government's surveillance powers and the Fourth Amendment. Part of the problem is the simple fact that both the American public and security experts know so little about how the government goes about hacking a computer to search it. If a victim's Fourth Amendment rights are violated, it might not be readily apparent because of the highly technical nature of the methods used to execute the warrant.

As a body of elected representatives, it is Congress's job to make sure we do not let the Executive Branch run roughshod over our constituents' rights. That is why action is so important: this is a policy question that should be debated by Congress. Although the Department of Justice has tried to describe this rule change as simply a matter of judicial venue, sometimes a difference in scale really is a difference in kind. By allowing so many searches with the order of just a single judge, Congress's failure to act on this issue would be a disaster for law-abiding Americans. When the public realizes what is at stake, I think there is going to be a massive outcry: Americans will look at Congress and say, "What were you thinking?"

I am here today, introducing this legislation, to sound an alarm. This rule change would could have a massive impact on Americans' digital security and privacy, and I plan on spending the next seven months making sure my colleagues fully understand the huge ramifications of inaction.

I thank my colleague Senator PAUL for his efforts on this bill, and I hope the Judiciary Committee will consider our proposal quickly.

#### SUBMITTED RESOLUTIONS

##### SENATE CONCURRENT RESOLUTION 38—REAFFIRMING THE TAIWAN RELATIONS ACT AND THE SIX ASSURANCES AS CORNERSTONES OF UNITED STATES-TAIWAN RELATIONS

Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. BROWN, and Mr. GARDNER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

#### S. CON. RES. 38

Whereas the Cold War years cemented the close friendship between the United States and Taiwan, with Taiwan as an anti-Communist ally in the Asia-Pacific;

Whereas United States economic aid prevented Taiwan from sliding into an economic depression in the 1950s and greatly contributed to the island's later economic takeoff;

Whereas Taiwan has flourished to become a beacon of democracy in Asia and leading trade partner for the United States, and the relationship has endured for more than 65 years through many shifts in Asia's geopolitical landscape;

Whereas the strong relationship between the United States and Taiwan is based on mutually beneficial security, commercial, and cultural ties;

Whereas Deputy Assistant Secretary of State Susan Thornton stated in her testimony before the Committee on Foreign Affairs of the House of Representatives on February 11, 2016, that "the people on Taiwan have built a prosperous, free, and orderly society with strong institutions, worthy of emulation and envy";

Whereas Deputy Secretary of State Antony J. Blinken stated on March 29, 2016, that with Taiwan's January 2016 elections, "the people of Taiwan showed the world again what a mature, Chinese-speaking democracy looks like";

Whereas, on January 1, 1979, when the Carter Administration established diplomatic relations with the People's Republic of China (PRC), it ended formal diplomatic ties with the Republic of China on Taiwan;

Whereas the United States Congress acted swiftly to reaffirm the United States-Taiwan relationship with the enactment of the Taiwan Relations Act (Public Law 96-8) just 100 days later, ensuring the United States maintained a robust and enduring relationship with Taiwan;

Whereas the Taiwan Relations Act was enacted on April 10, 1979, codifying into law the basis for continued commercial, cultural, and other relations between the United States and Taiwan;

Whereas the Taiwan Relations Act was enacted "to help maintain peace, security, and stability in the Western Pacific," all of which "are in the political, security, and economic interests of the United States and are matters of international concern";

Whereas the United States Congress significantly strengthened the draft legislation originally submitted by the Executive Branch to include provisions concerning Taiwan's security in the Taiwan Relations Act;

Whereas then-Deputy Assistant Secretary of State Kin Moy stated in his testimony before the Committee on Foreign Affairs of the House of Representatives on March 14, 2014, that "[o]ur enduring relationship under the Taiwan Relations Act represents a unique asset for the United States and is an important multiplier of our influence in the region," and credited the Taiwan Relations Act for having "played such a key part in protecting Taiwan's freedom of action and United States interests the last 35 years in the Asia-Pacific area";

Whereas then-Special Assistant to the President and National Security Council Senior Director for Asian Affairs Evan Medeiros noted in March 2014, "The Taiwan Relations Act is an important and it's an enduring expression to the people of Taiwan about our commitment to their well-being, their security, their economic autonomy, and their international space";

Whereas the Taiwan Relations Act states that "the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means";

Whereas the Taiwan Relations Act states that it is the policy of the United States to "provide Taiwan with arms of a defensive character and to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan";

Whereas each successive United States Administration since the enactment of the Taiwan Relations Act has provided arms of a defensive character to Taiwan;

Whereas a 2015 Department of Defense report to Congress on Military and Security Developments Involving the People's Republic of China stated that, "Preparing for potential conflict in the Taiwan Strait remains the focus and primary driver of China's military investment";

Whereas the United States has an abiding interest in the preservation of cross-strait peace and stability, and in peace and stability in the entire Asia-Pacific region;

Whereas, on July 14, 1982, as the United States negotiated with the People's Republic of China over the wording of a joint communiqué related to United States arms sales to Taiwan, President Ronald Reagan instructed his representative in Taiwan, American Institute in Taiwan (AIT) Director James R. Lilley, to relay a set of assurances

orally to Taiwan's then-President Chiang Ching-kuo;

Whereas testimony before the Senate and the House of Representatives immediately after the issuance of the August 17, 1982, Joint Communiqué with the People's Republic of China, then-Assistant Secretary of State for East Asian and Pacific Affairs John H. Holdridge stated on behalf of the Executive Branch that—

(1) “. . . [w]e did not agree to set a date certain for ending arms sales to Taiwan”;

(2) “. . . [w]e see no mediation role for the United States” between Taiwan and the PRC”;

(3) “. . . [n]or will we attempt to exert pressure on Taiwan to enter into negotiations with the PRC”;

(4) “. . . [t]here has been no change in our longstanding position on the issue of sovereignty over Taiwan”;

(5) “[w]e have no plans to seek” revisions to the Taiwan Relations Act; and

(6) the August 17 Communiqué “should not be read to imply that we have agreed to engage in prior consultations with Beijing on arms sales to Taiwan”;

Whereas these assurances, first delivered to Taiwan's president by AIT Director Lilley, have come to be known as the Six Assurances;

Whereas in testimony before the Committee on Foreign Affairs of the House of Representatives on October 4, 2011, then-Assistant Secretary of State Kurt Campbell stated that the “Taiwan Relations Act, plus the so-called Six Assurances and Three Communiqués, form the foundation of our overall approach” to relations with Taiwan; and

Whereas, in testimony before the Committee on Foreign Relations of the Senate on April 3, 2014, Assistant Secretary of State Daniel Russel stated that the Six Assurances “continue to play an important part as an element of our approach to Taiwan and the situation across the strait”: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) affirms that the Taiwan Relations Act and the Six Assurances are both cornerstones of United States relations with Taiwan; and

(2) urges the President and the Secretary of State to affirm the Six Assurances publicly, proactively, and consistently as a cornerstone of United States-Taiwan relations.

# SENATE CONCURRENT RESOLUTION 39—HONORING THE MEMBERS OF THE UNITED STATES AIR FORCE WHO WERE CASUALTIES OF THE JUNE 25, 1996, TERRORIST BOMBING OF THE UNITED STATES SECTOR KHOBAR TOWERS MILITARY HOUSING COMPLEX ON DHAHRAN AIR BASE

Mr. NELSON (for himself and Mr. RUBIO) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 39

Whereas June 25, 2016, marks the twentieth anniversary of the terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base, also known as King Abdul Aziz Royal Saudi Air Base, near Dhahran, Saudi Arabia on June 25, 1996;

Whereas 19 members of the United States Air Force were killed, more than 500 other members of the Armed Forces of the United

States were wounded, and approximately 297 innocent Saudi and Bangladeshi civilians were casualties in this terrorist attack;

Whereas the 19 members of the United States Air Force killed in this terrorist attack while serving their country were Captain Christopher J. Adams, Staff Sergeant Daniel B. Cafourek, Sergeant Millard D. Campbell, Senior Airmen Earl F. Cartrette, Jr., Technical Sergeant Patrick P. Fenning, Captain Leland T. Haun, Master Sergeant Michael G. Heiser, Staff Sergeant Kevin J. Johnson, Staff Sergeant Ronald L. King, Master Sergeant Kendall K. Kitson, Jr., Airman First Class Christopher B. Lester, Airman First Class Brent E. Marthaler, Airman First Class Brian W. McVeigh, Airman First Class Peter J. Morgera, Technical Sergeant Thanh V. Nguyen, Airman First Class Joseph E. Rimkus, Senior Airman Jeremy A. Taylor, Airman First Class Justin R. Wood, and Airman First Class Joshua E. Woody;

Whereas the families and friends of these brave service members and the survivors of this attack still mourn their loss;

Whereas the survivors of this terrorist attack suffer still, whether their suffering be through physical injury, mental anguish, or through the remembrance of their fallen compatriots;

Whereas the United States District Court for the Eastern District of Virginia indicted Ahmed Ibrahim al-Mughassil and 13 others on the count, among others, of conspiracy to kill United States nationals;

Whereas Ahmed Ibrahim al-Mughassil is the former military chief of Hezbollah Al-Hejaz, also known as Saudi Hezbollah, a militant group known to be supported by the terrorist group Hezbollah and the Islamic Republic of Iran;

Whereas the United States District Court for the District of Columbia, in a civil action, found the Islamic Republic of Iran liable for the bombing and ordered restitution to be paid to the service members' families that were party to the complaint;

Whereas, on or about August 26, 2015, Ahmed Ibrahim al-Mughassil was detained in Beirut, Lebanon and turned over to authorities of Saudi Arabia;

Whereas Ahmed Ibrahim al-Mughassil remains listed on the Federal Bureau of Investigation's most wanted terrorist list;

Whereas those guilty of carrying out this terrorist attack have yet to be brought to justice; and

Whereas terrorism remains an ever-present threat which members of the United States Armed Forces and other agents of the United States stand ready to combat throughout the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That on the occasion of the 20th anniversary of the terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base, Congress—*

(1) recognizes the service and sacrifice of the 19 members of the United States Air Force who were killed in that attack;

(2) calls upon every citizen of the United States to pause and pay tribute to those brave service members;

(3) extends its continued sympathies to the families and friends of those who were killed;

(4) acknowledges the anguish and resilience of the survivors of that attack;

(5) assures the members of the United States Armed Forces and other agents of the United States serving in harm's way throughout the world that their well-being and interests will at all times be given the highest priority; and

(6) declares that any perpetrators of terrorist acts against members of the Armed Forces, other agents of the United States, or

United States citizens will be vigorously pursued and finally brought to justice.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4062. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4063. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 4064. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3931 submitted by Ms. COLLINS (for herself and Mr. KING) and intended to be proposed to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 4065. Mr. SULLIVAN (for himself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 4066. Mr. MORAN (for himself, Mr. LANKFORD, Mr. JOHNSON, Mr. INHOFE, Mr. THUNE, Mr. WICKER, Mr. DAINES, Mr. RISC, Mr. CRAPO, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4067. Mr. WARNER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 4062. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. \_\_\_\_ . It is the sense of the Senate that—

(1) each State is in the best position to determine the specific needs of its population experiencing housing insecurity; and

(2) the Department of Housing and Urban Development should explore the possibility of devolving programs and expenditures to State and local governments when applicable.

SA 4063. Mr. RUBIO submitted an amendment intended to be proposed to